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Draft Rules of Procedure of the Assembly of States Parties

Prepared by the Secretariat

Contents

		Page
	Introductory note	6
	Draft Rules of Procedure of the Assembly of States Parties	7
I.	General	7
	Rule 1. Use of terms	7
	Rule 2. Application	7
II.	Sessions	8
	Rule 3. Place of meetings	8
	Regular sessions	8
	Rule 4. Frequency of sessions	8
	Rule 5. Date of commencement and duration	8
	Rule 6. Notification of session	8
	Rule 7. Temporary adjournment of session	8
	Special sessions	8
	Rule 8. Convening of special sessions	8
	Rule 9. Notification of special session	9

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III. Agenda ... 9
Regular sessions ... 9
Rule 10. Communication of the provisional agenda ... 9
Rule 11. Drawing up of the provisional agenda ... 9
Rule 12. Supplementary items ... 10
Rule 13. Additional items ... 10
Special sessions ... 10
Rule 14. Communication of the provisional agenda ... 10
Rule 15. Provisional agenda ... 10
Rule 16. Supplementary items ... 10
Rule 17. Additional items ... 11
Regular and special sessions ... 11
Rule 18. Explanatory memorandum ... 11
Rule 19. Adoption of the agenda ... 11
Rule 20. Amendment and deletion of items ... 11
Rule 21. Debate on the inclusion of items ... 11
Rule 22. Modification of the allocation of expenses ... 11
IV. Representation and credentials ... 12
Rule 23. Representation ... 12
Rule 24. Submission of credentials ... 12
Rule 25. Credentials Committee ... 12
Rule 26. Provisional admission to a session ... 12
Rule 27. Objection to the representation ... 12
Rule 28. Notification regarding participation of representatives of Observer States ... 13
V. Bureau ... 13
Rule 29. Composition and function ... 13
VI. President and Vice-Presidents ... 13
Rule 30. General powers of the President ... 13
Rule 31. Voting rights of the President ... 14
Rule 32. Acting President ... 14
Rule 33. Replacement of the President ... 14
VII. Participation of the President of the Court, the Prosecutor and the Registrar ... 14
Rule 34. Participation ... 14

VIII. Participation of the Secretary-General of the United Nations 14
Rule 35. Participation 14
IX. Secretariat 15
Rule 36. Duties of the Secretariat 15
X. Languages 15
Rule 37. Official and working languages 15
Rule 38. Interpretation 15
Rule 39. Languages of decisions and other documents 15
XI. Records 16
Rule 40. Sound recordings 16
XII. Public and private meetings of the Assembly and of its subsidiary bodies 16
Rule 41. General principles 16
XIII. Minute of silent prayer or meditation 16
Rule 42. Invitation to silent prayer or meditation 16
XIV. Conduct of business 16
Rule 43. Quorum 16
Rule 44. Speeches 17
Rule 45. Precedence 17
Rule 46. Statements by the President of the Court, the Prosecutor and the Registrar 17
Rule 47. Statements by the Secretariat 17
Rule 48. Points of order 17
Rule 49. Time limit on speeches 17
Rule 50. Closing of list of speakers and right of reply 18
Rule 51. Adjournment of debate 18
Rule 52. Closure of debate 18
Rule 53. Suspension or adjournment of the meeting 18
Rule 54. Order of procedural motions 18
Rule 55. Proposals and amendments 19
Rule 56. Decisions on competence 19
Rule 57. Withdrawal of motions 19
Rule 58. Reconsideration of proposals 19
XV. Decision-making 19
Rule 59. Voting rights 19

Rule 60. Consensus 20
Rule 61. Decisions on matters of substance 20
Rule 62. Decisions on matters of procedure 20
Rule 63. Rules of Procedure and Evidence 20
Rule 64. Increase or reduction in the number of judges 20
Rule 65. Removal from office of a judge, the Prosecutor or a Deputy Prosecutor 20
Rule 66. Amendments to the Rome Statute 21
Rule 67. Decisions on amendments to proposals relating to matters of substance 21
Rule 68. Meaning of the phrase "States Parties present and voting" 21
Rule 69. Method of voting 21
Rule 70. Conduct during voting 22
Rule 71. Explanation of vote 22
Rule 72. Division of proposals and amendments 22
Rule 73. Order of voting on amendments 22
Rule 74. Order of voting on proposals 23
Rule 75. Elections 23
Rule 76. Restricted balloting for one elective place 23
Rule 77. Restrictive balloting for two or more elective places 23
Rule 78. Equally divided votes 24
XVI. Subsidiary bodies 24
Rule 79. Establishment of subsidiary bodies 24
Rule 80. Rules of procedure of subsidiary bodies 24
XVII. Elections of the Court, the Prosecutor and the Deputy Prosecutors 24
Rule 81. Elections of the judges 24
Rule 82. Elections of the Prosecutor and the Deputy Prosecutors 24
XVIII. Administrative and budgetary questions 25
Rule 83. Staff regulations and guidelines 25
Rule 84. Regulations for financial administration 25
Rule 85. Trust Fund 25
Rule 86. Budget 25
Rule 87. Contributions 26

XIX. Participation of observers other than Observer States 26
Rule 88. Observers 26
XX. Amendments 27
Rule 89. Method of amendment 27

Introductory note

1. At its meeting held on 8 December 2000, the Preparatory Commission for the International Criminal Court requested the Secretariat to prepare draft rules of procedure of the Assembly of States Parties, in connection with the work which, pursuant to resolution F of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, is to be carried out on the topic by the Preparatory Commission at its seventh session from 26 February to 9 March 2001.

2. The following is the text of the draft prepared by the Secretariat. Footnote references indicate the sources of the respective provisions.

Draft Rules of Procedure of the Assembly of States Parties

I. General

Rule 1
Use of terms

For the purposes of these Rules:

"the Rome Statute" means the Rome Statute of the International Criminal Court adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court;

"the Court" means the International Criminal Court;[1]

"Rules" means the Rules of Procedure and Evidence of the Court;[2]

"judges" means the judges of the Court;[3]

"Presidency" means the President and the First and Second Vice-Presidents of the Court;[4]

"Prosecutor" means the Prosecutor of the Court;[5]

"Deputy Prosecutor" means the Deputy Prosecutor of the Court;[6]

"Registrar" means the Registrar of the Court;[7]

"States Parties" means States Parties to the Rome Statute;

"Observer States" means States which have signed the Rome Statute or the Final Act of the Rome Conference and which, pursuant to article 112, paragraph 1, of the Statute, may be observers in the Assembly;

"Assembly" means the Assembly of States Parties;[8]

"Secretariat" means the Secretariat of the Assembly of States Parties.

Rule 2
Application

These Rules of Procedure shall be applicable to meetings of the Assembly and, unless it is decided otherwise, to Review Conferences convened in accordance with article 121, paragraph 2, and article 123 of the Rome Statute of the International Criminal Court.

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[1] Rome Statute of the International Criminal Court, article 1.
[2] Ibid., article 51.
[3] Ibid., article 36, para. 1.
[4] Ibid., article 38.
[5] Ibid., articles 15 and 42, paras. 2 and 4.
[6] Ibid., article 42, paras. 2 and 4.
[7] Ibid., article 43, paras. 2, 4 and 5.
[8] Ibid., Part 11.

II. Sessions

Rule 3
Place of meetings

The Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations.[9]

Regular sessions

Rule 4
Frequency of sessions

The Assembly shall meet in regular sessions once a year.[10]

Rule 5
Date of commencement and duration

The date of commencement and duration of each session shall be decided by the previous session.

Rule 6
Notification of session

The Secretariat shall notify the States Parties at least sixty days in advance of the opening of a regular session.[11] On the same date the Secretariat shall also notify Observer States and the Court.[12]

Rule 7
Temporary adjournment of session

The Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date.[13]

Special sessions

Rule 8
Convening of special sessions

The Assembly may convene special sessions and shall fix the date of commencement and the duration of each such special session. Special sessions of the Assembly may also be convened by the Bureau on its own initiative or at the request of one third of the States Parties.[14]

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[9] Ibid., article 112, para. 6.
[10] Ibid.
[11] Rules of procedure of the General Assembly, rule 5.
[12] Rules of procedure for Meetings of States Parties, rule 5, para. 2 (United Nations Convention on the Law of the Sea, SPLOS/2/Rev.3).
[13] Rules of procedure of the General Assembly, rule 6.
[14] Rome Statute of the International Criminal Court, article 112, para. 6; rules of procedure of the General Assembly, rule 7.

Rule 9
Notification of special session

The Secretariat shall notify the States Parties, at least twenty-one days in advance, of the opening of a special session. On the same date the Secretariat shall also notify Observer States and the Court.

III. Agenda

Regular sessions

Rule 10
Communication of the provisional agenda

The provisional agenda for a regular session shall be communicated by the Secretariat to the States Parties, to Observer States and the Court **at least sixty days before the opening of the session**.[15]

Rule 11
Drawing up of the provisional agenda

1. The provisional agenda shall be drawn up by the Secretariat.

2. The provisional agenda shall, inter alia, include, as appropriate:[16]

   (a) Items the inclusion of which has been decided at a previous session of the Assembly;

   (b) Items relating to the organization of the session;

   (c) Items relating to the management oversight provided by the Assembly to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;[17]

   (d) Items pertaining to the budget for the Court, to annual financial statements and to a report of an independent auditor;[18]

   (e) Election of judges, and of the Prosecutor and of the Deputy Prosecutor, and elections to fill vacancies in the membership of the Court;[19]

   (f) Reports from the Bureau;

   (g) Items relating to any question of non-cooperation submitted to the Assembly of States Parties by the Court pursuant to article 87, paragraphs 5 and 7, of the Rome Statute;

   (h) Any report of the Court on its work;

   (i) All items proposed by any State Party;

   (j) Any item proposed by the Court.

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[15] Rules of procedure of the General Assembly, rule 12.
[16] SPLOS/2/Rev.3, rule 6, para. 3.
[17] Rome Statute of the International Criminal Court, article 112, para. 2 (b).
[18] Ibid., article 112, para. 2 (d), article 118.
[19] Ibid., article 36, para. 6, article 42, para. 4.

Rule 12
Supplementary items

Any State Party, the Court or the Bureau may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the States Parties, to Observer States and the Court at least twenty days before the opening of the session.[20]

Rule 13
Additional items

Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a regular session or during a session, may be placed on the agenda of the Assembly if the Assembly so decides by a majority of the members present and voting.[21]

Special sessions

Rule 14
Communication of the provisional agenda

The provisional agenda of the special session shall be communicated by the Secretariat to the States Parties, to Observer States and the Court at least fourteen days before the opening of the session.[22]

Rule 15
Provisional agenda

The provisional agenda of a special session shall consist only of those items proposed in the request for the holding of the session.[23]

Rule 16
Supplementary items

Any State Party, the Bureau or the Court may, at least seven days before the date fixed for the opening of a special session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the States Parties, to Observer States and the Court.[24]

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[20] SPLOS/2/Rev.3, rule 7.
[21] Ibid., rule 8.
[22] Rules of procedure of the General Assembly, rule 16.
[23] Ibid., rule 17.
[24] Ibid., rule 18.

Rule 17
Additional items

During a special session, items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the members of the Assembly present and voting.[25]

Regular and special sessions

Rule 18
Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft decision.[26]

Rule 19
Adoption of the agenda

At each session the provisional agenda and the supplementary list shall be submitted to the Assembly for approval as soon as possible after the opening of the session.[27]

Rule 20
Amendment and deletion of items

Items on the agenda may be amended or deleted by the Assembly by a majority of the members of the Assembly present and voting.[28]

Rule 21
Debate on the inclusion of items

Debate on the inclusion of an item in the agenda shall be limited to three speakers in favour of, and three against, the inclusion. The President may limit the time to be allowed to speakers under this rule.[29]

Rule 22
Modification of the allocation of expenses

No proposal for a modification of the allocation of expenses of the Court for the time being in force shall be placed on the agenda unless it has been communicated to the States Parties at least sixty days before the opening of the session.[30]

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[25] Ibid., rule 19.
[26] Ibid., rule 20.
[27] SPLOS/2/Rev.3, rule 9.
[28] Rules of procedure of the General Assembly, rule 22; SPLOS/2/Rev.3, rule 10.
[29] Rules of procedure of the General Assembly, rule 23.
[30] SPLOS/2/Rev.3, rule 11.

IV. Representation and credentials

Rule 23
Representation

1. Each State Party shall be represented by one representative who may be accompanied by alternates and advisers.[31]

2. Observer States may be represented in the Assembly by one designated representative who may be accompanied by alternates and advisers.[32]

3. The representative may designate an alternate or an adviser to act in his capacity.[33]

Rule 24
Submission of credentials

The credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the session. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.[34]

Rule 25
Credentials Committee

A Credentials Committee shall be appointed at the beginning of each session. It shall consist of nine States Parties, which shall be appointed by the Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives of States Parties and report to the Assembly without delay.[35]

Rule 26
Provisional admission to a session

Pending a decision of the Assembly upon their credentials, representatives of States Parties shall be entitled to participate provisionally in the Assembly.[36]

Rule 27
Objection to the representation

If an objection is raised against a representation of a State Party, such objection shall be considered by the Credentials Committee forthwith. The report thereon shall be submitted to the Assembly without delay. Any representative of a State Party to whose admission a State Party has made objection shall be seated

[31] Rome Statue of the International Criminal Court, article 112, para. 1.
[32] Ibid.; SPLOS/2/Rev.3, rule 12, para. 2.
[33] SPLOS/2/Rev.3, rule 12, para. 3.
[34] Ibid., rule 13, para. 1.
[35] Rules of procedure of the General Assembly, rule 28; SPLOS/2/Rev.3, rule 14.
[36] SPLOS/2/Rev.3, rule 15.

provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has given its decision.[37]

Rule 28
Notification regarding participation of representatives of Observer States

The names of designated representatives of Observer States and of alternates and advisers who accompany them shall be submitted to the Secretariat.[38]

V. Bureau

Rule 29
Composition and function

1. The Assembly shall have a Bureau consisting of the President, who shall preside, two Vice-Presidents and eighteen members elected by the Assembly from among the representatives of the States Parties for three-year terms.[39]

2. The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.[40]

3. The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Assembly in the discharge of its responsibilities.[41]

VI. President and Vice-Presidents

Rule 30
General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, direct the discussions in plenary meetings, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. The President shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the Assembly the limitation of the time to be allowed to speakers, the limitation the number of times each representative may speak, the closure of the list of speakers or the closure of the debate and the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion.[42]

2. The President, in the exercise of his functions, remains under the authority of the Assembly.[43]

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[37] Ibid., rule 16; rules of procedure of the General Assembly, rule 29.
[38] SPLOS/2/Rev.3, rule 19.
[39] Rome Statute of the International Criminal Court, article 112, para. 3 (a).
[40] Ibid., para. 3 (b).
[41] Ibid., para. 3 (c).
[42] Rules of procedure of the General Assembly, rule 35; SPLOS/2/Rev.3, rule 20.
[43] Rules of procedure of the General Assembly, rule 36; SPLOS/2/Rev.3, rule 20, para. 2.

Rule 31
Voting rights of the President

The President, or a Vice-President acting as President, shall not vote but shall designate another member of his delegation to vote in his place.[44]

Rule 32
Acting President

1. If the President finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.[45]

2. A Vice-President acting as President shall have the same powers and duties as the President.[46]

Rule 33
Replacement of the President

If the President is unable to perform his functions, a new President shall be elected for the unexpired term.[47]

VII. Participation of the President of the Court, the Prosecutor and the Registrar

Rule 34
Participation

The President of the Court, the Prosecutor and the Registrar or their representatives may participate, **as appropriate**, in meetings of the Assembly and the Bureau in accordance with the provisions of the present Rules of Procedure and may at any time make oral or written statements concerning any question under consideration by the Assembly and provide information as appropriate.[48]

VIII. Participation of the Secretary-General of the United Nations

Rule 35
Participation

The Secretary-General of the United Nations may participate in meetings of the Assembly and the Bureau. He may designate a member of the United Nations Secretariat to participate on his behalf. He may at any time make oral or written statements concerning any question under consideration by the Assembly which pertains to United Nations activities and provide information as appropriate.[49]

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[44] Rules of procedure of the General Assembly, rule 37; SPLOS/2/Rev.3, rule 23.
[45] Rules of procedure of the General Assembly, rule 32.
[46] Ibid., rule 33; SPLOS/2/Rev.3, rule 21, para. 2.
[47] Rules of procedure of the General Assembly, rule 34.
[48] Rome Statute of the International Criminal Court, article 112, para. 5; SPLOS/2/Rev.3, rule 37.
[49] SPLOS/2/Rev.3, rule 36; Rome Statute of the International Criminal Court, article 112, para. 6, article 115, para. (b), article 119, para. 2, articles 121, 122 and 123.

IX. Secretariat

Rule 36
Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute documents, reports and decisions of the Assembly, the Bureau and any subsidiary bodies that may be established by the Assembly; interpret speeches made at the meetings; prepare, print and circulate, if so decided by the Assembly or the Bureau, the records of the session; have the custody and proper preservation of the documents in the archives of the Assembly; distribute all documents of the Assembly and the Bureau; and, generally, perform all other work which the Assembly or the Bureau may require.[50]

X. Languages

Rule 37
Official and working languages

Arabic, Chinese, English, French, Russian and Spanish, which are both the official and working languages of the General Assembly of the United Nations, shall be the official and working languages of the Assembly.[51]

Rule 38
Interpretation

1. Speeches made in an official and working language of the Assembly (hereinafter "languages of the Assembly") shall be interpreted into the other languages of the Assembly.[52]

2. Any representative may make a speech in a language other than the languages of the Assembly. In that case the representative shall provide for interpretation into one of the languages of the Assembly. Interpretation into the other languages of the Assembly by the interpreters of the Secretariat may be based on the interpretation given in the first such language.[53]

Rule 39
Languages of decisions and other documents

All decisions and other documents shall be published in the languages of the Assembly.[54]

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[50] SPLOS/2/Rev.3, rule 26.

[51] Rome Statute of the International Criminal Court, article 112, para. 10; rules of procedure of the General Assembly, rule 51.

[52] Rules of procedure of the General Assembly, rule 52; SPLOS/2/Rev.3, rule 28, para. 1.

[53] Rules of procedure of the General Assembly, rule 53; SPLOS/2/Rev.3, rule 28, para. 2.

[54] Rules of procedure of the General Assembly, rule 56.

XI. Records

Rule 40
Sound recordings

The Secretariat shall make and keep sound recordings of meetings of the Assembly and the Bureau and of any subsidiary body when so decided.[55]

XII. Public and private meetings of the Assembly and of its subsidiary bodies

Rule 41
General principles

1. The meetings of the Assembly shall be held in public unless the Assembly decides that exceptional circumstances require that the meetings be held in private.[56]

2. As a general rule, meetings of the Bureau and of subsidiary bodies shall be held in private unless the body concerned decides otherwise.[57]

3. All decisions of the Assembly and the Bureau taken at a private meeting shall be announced at an early public meeting. At the close of a private meeting of any subsidiary body, the Chairman may issue a communiqué through the Secretariat.[58]

XIII. Minute of silent prayer or meditation

Rule 42
Invitation to silent prayer or meditation

Immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.[59]

XIV. Conduct of business

Rule 43
Quorum

1. The President may declare a meeting open and permit the debate to proceed when at least one third of the States Parties participating in the session are present.[60]

2. The presence of an absolute majority of the States Parties constitutes the quorum for voting.[61]

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[55] SPLOS/2/Rev.3, rule 30.
[56] Rules of procedure of the General Assembly, rule 60.
[57] SPLOS/2/Rev.3, rule 31, para. 2.
[58] Ibid., para. 3.
[59] Rules of procedure of the General Assembly, rule 62.
[60] SPLOS/2/Rev.3, rule 33, para. 1; rules of procedure of the General Assembly, rule 67.
[61] Rome Statute of the International Criminal Court, article 112, para. 7 (a).

Rule 44
Speeches

No representative may address the Assembly of States Parties without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.[62]

Rule 45
Precedence

The Chairman of a subsidiary body may be given precedence for the purpose of explaining the conclusions arrived at by that organ.[63]

Rule 46
Statements by the President of the Court, the Prosecutor and the Registrar

The President of the Court, the Prosecutor and the Registrar or their representatives may make at any time either written or oral statements to the Assembly or the Bureau on any question under their consideration.[64]

Rule 47
Statements by the Secretariat

The chief officer of the Secretariat, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the Assembly concerning any question under consideration by it.[65]

Rule 48
Points of order

During the discussion of any matter, a representative of a State Party may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the Rules of Procedure. A representative of a State Party may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the States Parties present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.[66]

Rule 49
Time limit *on* speeches

The Assembly may limit the time to be allowed to each speaker and the number of times each representative of a State Party may speak on any question. Before a decision is taken, two representatives of States Parties may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a

[62] Rules of procedure of the General Assembly, rule 68.
[63] SPLOS/2/Rev.3, rule 35.
[64] Rome Statute of the International Criminal Court, article 112, para. 5; SPLOS/2/Rev.3, rules 37 and 38.
[65] Rules of procedure of the General Assembly, rule 70.
[66] SPLOS/2/Rev.3, rule 39; rules of procedure of the General Assembly, rule 71.

representative exceeds his allotted time, the President shall call him to order without delay.[67]

Rule 50
Closing of list of speakers and right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the Assembly, declare the list closed. He may, however, accord the right of reply to a representative if a speech delivered after he has declared the list closed makes this desirable.[68]

Rule 51
Adjournment of debate

During the discussion of any matter, a representative of a State Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives of States Parties may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.[69]

Rule 52
Closure of debate

A representative of a State Party may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives of States Parties opposing the closure, after which the motion shall be immediately put to the vote. If the Assembly is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.[70]

Rule 53
Suspension or adjournment of the meeting

During the discussion of any matter, a representative of a State Party may move the suspension or the adjournment of the meeting. Such motion shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speakers moving the suspension or adjournment of the meeting.[71]

Rule 54
Order of procedural motions[72]

Subject to rule 48, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

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[67] SPLOS/2/Rev.3, rule 40; rules of procedure of the General Assembly, rule 73.
[68] Rules of procedure of the General Assembly, rule 73.
[69] SPLOS/2/Rev.3, rule 42; rules of procedure of the General Assembly, rule 74.
[70] SPLOS/2/Rev.3, rule 43; rules of procedure of the General Assembly, rule 75.
[71] SPLOS/2/Rev.3, rule 44; rules of procedure of the General Assembly, rule 76.
[72] Rules of procedure of the General Assembly, rule 77.

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 55
Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to all delegations in the languages of the Assembly not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.[73]

Rule 56
Decisions on competence

Subject to rule 54, any motion calling for a decision on the competence of the Assembly to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.[74]

Rule 57
Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative of a State Party.[75]

Rule 58
Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Assembly, by a two-thirds majority of the States Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives of States Parties opposing the motion, after which it shall be immediately put to the vote.[76]

XV. Decision-making

Rule 59
Voting rights

Each State Party shall have one vote.[77]

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[73] SPLOS/2/Rev.3, rule 46; rules of procedure of the General Assembly, rule 78.
[74] Rules of procedure of the General Assembly, rule 79.
[75] SPLOS/2/Rev.3, rule 48; rules of procedure of the General Assembly, rule 80.
[76] SPLOS/2/Rev.3, rule 49; rules of procedure of the General Assembly, rule 81.
[77] Rome Statute of the International Criminal Court, article 112, para. 7.

Rule 60
Consensus

Every effort shall be made to reach decisions in the Assembly and in the Bureau by consensus. If consensus cannot be reached, decisions shall be taken by vote.[78]

Rule 61
Decisions on matters of substance

Subject to rule 60, and except as otherwise provided in these Rules, decisions on matters of substance must be approved by a two-thirds majority of those present and voting provided that an absolute majority of States Parties constitutes the quorum for voting.[79]

Rule 62
Decisions on matters of procedure

Except as otherwise provided in these Rules, decisions on matters of procedure shall be taken by a simple majority of States Parties present and voting.[80]

Rule 63
Rules of Procedure and Evidence

1. The Rules shall be adopted by the Assembly by two-thirds majority of the members of the Assembly.[81]

2. Amendments to the Rules, proposed in accordance with article 51, paragraph 2, of the Rome Statute, shall be forwarded to the President of the Bureau, who shall ensure their translation into the official languages of the Court and transmission to the States Parties.[82] Such amendments shall enter into force upon adoption by a two-thirds majority of the members of the Assembly.[83]

Rule 64
Increase or reduction in the number of judges

Any proposal by the Presidency, acting on behalf of the Court, regarding an increase or a subsequent reduction in the number of judges, submitted pursuant to article 36, paragraph 2, of the Rome Statute, shall be considered adopted if approved by a vote of two thirds of the members of the Assembly and shall enter into force at such time as decided by the Assembly.[84]

Rule 65
Removal from office of a judge, the Prosecutor or a Deputy Prosecutor

1. The Presidency shall advise the President of the Bureau in writing of any recommendation adopted in the case of removal from the office of a judge, and any

[78] Ibid.
[79] Ibid., para. 7 (a).
[80] Ibid., para. 7 (b).
[81] Ibid., article 51, para. 1.
[82] Finalized draft text of the Rules of Procedure and Evidence, rule 3.
[83] Rome Statute of the International Criminal Court, article 51, para. 2.
[84] Ibid., article 36, paras. 2 (b) and (c).

decision adopted in this regard in the case of the Registrar or a Deputy Registrar by the judges at a plenary session.[85]

2. As provided for in article 46, paragraph 2, of the Rome Statute, a decision as to the removal from office of a judge, the Prosecutor or a Deputy Prosecutor shall be made by the Assembly, by secret ballot:[86]

(a) In the case of a judge, by a two-thirds majority of the States Parties upon a recommendation adopted by a two-thirds majority of the other judges;

(b) In the case of the Prosecutor, by an absolute majority of the States Parties;

(c) In the case of a Deputy Prosecutor, by an absolute majority of the States Parties upon the recommendation of the Prosecutor.

Rule 66
Amendments to the Rome Statute

Amendments to the Rome Statute, proposed pursuant to article 121, paragraph 1, and article 122, paragraph 1, on which consensus cannot be reached shall be adopted by the Assembly or by a Review Conference, by a two-thirds majority of States Parties.[87]

Rule 67
Decisions on amendments to proposals relating to matters of substance

Decisions on amendments to proposals relating to matters of substance, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the States Parties present and voting provided that an absolute majority of States Parties constitutes the quorum for voting.[88]

Rule 68
Meaning of the phrase "States Parties present and voting"

For the purposes of these Rules, the phrase "States Parties present and voting" means States Parties present and casting an affirmative or negative vote. States Parties which abstain from the voting shall be considered as not voting.[89]

Rule 69
Method of voting

1. The Assembly shall, in the absence of mechanical means for voting, vote by show of hands or by standing, but a representative of any State Party may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States Parties, beginning with the State Party whose name is drawn by lot by the President. The name of each State Party shall be called in any roll-call, and its representative shall reply "yes", "no" or "abstention". The result of the voting shall

[85] Finalized draft text of the Rules of Procedure and Evidence, rule 29, para. 2.
[86] Rome Statute of the International Criminal Court, article 46, paras. 1 and 2.
[87] Ibid., article 122, para. 2.
[88] Ibid., article 112, para. 7 (a); rules of procedure of the General Assembly, rule 84.
[89] Rules of procedure of the General Assembly, rule 86.

be inserted in the records in the English alphabetical order of the names of the States Parties.[90]

2. When the Assembly votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of a State Party may request a recorded vote. In the case of a recorded vote, the Assembly shall, unless a representative of a State Party requests otherwise, dispense with the procedure of calling out the name of the States Parties; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.[91]

Rule 70
Conduct *during* voting

After the President has announced the commencement of voting, no representative of a State Party may interrupt the voting, except that representatives of States Parties may interrupt on a point of order in connection with the actual conduct of the voting.[92]

Rule 71
Explanation of vote

Representatives of States Parties may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The representative of a State Party sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.[93]

Rule 72
Division of proposals and amendments

A representative of a State Party may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of an amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.[94]

Rule 73
Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on

[90] SPLOS/2/Rev.3, rule 57, para. 1.
[91] Ibid., para. 2.
[92] Ibid., rule 58; rules of procedure of the General Assembly, rule 88.
[93] SPLOS/2/Rev.3, rule 59.
[94] Ibid., rule 60; rules of procedure of the General Assembly, rule 89.

until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.[95]

Rule 74
Order of voting on proposals

If two or more proposals relate to the same question, the Assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Assembly may, after each vote on a proposal, decide whether to vote on the next proposal.[96]

Rule 75
Elections

All elections of officers of the Assembly shall be held by secret ballot unless, in the absence of any objection, the Assembly decides to proceed without taking a ballot on an agreed candidate or slate.[97]

Rule 76
Restricted balloting for one elective place

When only one person or State Party is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the President shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast; provided that after the third inconclusive ballot, votes may be cast for any eligible person or State Party. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or State Party is elected. These provisions shall not prejudice the application of rules 81 and 82.[98]

Rule 77
Restrictive balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or States Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that after the third inconclusive ballot, votes may be cast for any eligible person or State Party. If three such unrestricted ballots

[95] SPLOS/2/Rev.3, rule 61; rules of procedure of the General Assembly, rule 90.
[96] Rules of procedure of the General Assembly, rule 91; SPLOS/2/Rev.3, rule 62.
[97] Rules of procedure of the Economic and Social Council, rule 68.
[98] Rules of procedure of the General Assembly, rule 93.

are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled. These provisions shall not prejudice the application of rules 81 and 82.[99]

Rule 78
Equally divided votes

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.[100]

XVI. Subsidiary bodies

Rule 79
Establishment of subsidiary bodies

The Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.[101]

Rule 80
Rules of procedure of subsidiary bodies

Unless otherwise decided by the Assembly, these rules shall apply, mutatis mutandis, to the proceedings of subsidiary bodies, except that:[102]

(a) The Chairman of a subsidiary body may exercise the right of vote;

(b) The presence of representatives of a majority of the members of a subsidiary body shall be required for any decision to be taken.

XVII. Elections of the Court, the Prosecutor and the Deputy Prosecutors

Rule 81
Elections of the judges

The elections of the judges and the elections to fill a vacancy shall be held in accordance with articles 36 and 37 of the Rome Statute respectively and rules 36 and 37 of the Rules.[103]

Rule 82
Elections of the Prosecutor and the Deputy Prosecutors

The elections of the Prosecutor and the Deputy Prosecutors shall take place in accordance with article 42, paragraphs 2, 3 and 4, of the Rome Statute and rules 36 and 37 of the Rules.

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[99] Ibid., rule 94; SPLOS/2/Rev.3, rule 65.
[100] Rules of procedure of the Economic and Social Council, rule 71.
[101] Rome Statute of the International Criminal Court, article 112, para. 4.
[102] SPLOS/2/Rev.3, rule 68.
[103] Rules of procedure of the General Assembly, rule 150; SPLOS/2/Rev.3, rule 69.

XVIII. Administrative and budgetary questions

Rule 83
Staff regulations and guidelines

1. The Assembly shall approve the Staff Regulations which shall be proposed by the Registrar, with the agreement of the Presidency and the Prosecutor, and will include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed.[104]

2. The Assembly shall establish guidelines for the employment by the Court, in exceptional circumstances, of gratis personnel offered by States Parties, intergovernmental organizations or non-governmental organizations to assist with the work of any of the organs of the Court.[105]

Rule 84
Regulations for financial administration

1. The Assembly shall adopt the Financial Regulations and Rules which, in addition to the Rome Statute, shall govern all financial matters related to the Court and the meetings of the Assembly, including its Bureau and subsidiary bodies.[106]

2. The Assembly shall adopt the criteria under which the Court may receive and utilize, as additional funds, voluntary contributions from Governments, international organizations, individuals, corporations and other entities.[107]

3. The Assembly shall decide on salaries, allowances and expenses which shall be received by the judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar.[108]

Rule 85
Trust Fund[109]

1. A Trust Fund shall be established by a decision of the Assembly, pursuant to article 79 of the Rome Statute, for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.

2. The Trust Fund shall be managed according to criteria to be determined by the Assembly.

Rule 86
Budget

The Assembly shall decide on the budget, which shall be composed of the expenses of the Court and the Assembly, including its Bureau and subsidiary bodies.[110]

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[104] Rome Statute of the International Criminal Court, article 44, para. 3.
[105] Ibid., para. 4.
[106] Ibid., article 113; rules of procedure of the General Assembly, rule 152; SPLOS/2/Rev.3, rule 72.
[107] Rome Statute of the International Criminal Court, article 116.
[108] Ibid., article 49.
[109] Ibid., article 79.
[110] Ibid., article 115; SPLOS/2/Rev.3, rule 73.

Rule 87
Contributions

The Assembly shall decide on a scale of assessment, under which the contributions of States Parties to the budget shall be assessed, to be based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale is based.[111]

XIX. Participation of observers other than Observer States

Rule 88
Observers[112]

1. Representatives designated by entities, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions to participate, in the capacity of observers, in its sessions and work have the right to participate as observers, without the right to vote, in the deliberations of the Assembly and its subsidiary bodies.

2. Representatives designated by other regional intergovernmental organizations invited to the Rome Conference may participate as observers, without the right to vote, in the deliberations of the Assembly and its subsidiary bodies.

3. Representatives designated by other international bodies invited to the Rome Conference may participate as observers, without the right to vote, in the deliberations of the Assembly and its subsidiary bodies.

4. Non-governmental organizations invited to the Rome Conference may participate in the work of the Assembly through their designated representatives as follows:

(a) By attending meetings of the Assembly and, unless otherwise decided by the body concerned, formal meetings of its subsidiary bodies;

(b) By receiving copies of official documents;

(c) Upon the invitation of the President and subject to the approval of the Assembly, by making, through a limited number of their representatives, oral statements on questions within the scope of their activities to the opening and closing sessions of the Assembly, as appropriate.

5. Written statements submitted by the designated representatives referred to in paragraphs 1 to 4 of this rule shall be made available by the Secretariat to representatives of the States Parties and Observer States in the quantities and in the language or languages in which the statements are made available to it provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Assembly and is on a subject in which the organization has a special competence. Written statements shall not be made at the expense of the Assembly and shall not be issued as official documents.

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[111] Rome Statute of the International Criminal Court, article 117; SPLOS/2/Rev.3, rule 74.

[112] Rules of procedure for the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (A/CONF.183/2/Add.2/Rev.1), chap. XI, "Observers".

XX. Amendments

Rule 89
Method of amendment

These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the States Parties present and voting after the Bureau has reported on the proposed amendment.[113]

[113] SPLOS/2/Rev.3, rule 75; rules of procedure of the General Assembly, rule 163.